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11 **UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA**

13 ADRISH BANERJEE, an individual, and) Case No.: 2:16-cv-00669-JCM-VCF
14 YAN HE, an individual,)
15 Plaintiffs)
16 vs.)
17 CONTINENTAL INCORPORATED, INC.,)
18 d/b/a CONTINENTAL ENTERPRISES, an)
19 Indiana Corporation, LEAPERS, INC., a)
20 Michigan Corporation, and DOES 1-10,)
21 inclusive,)
22 Defendants.)

23 **DEFENDANTS' MOTION FOR
24 LEAVE TO FILE REPLY IN
25 SUPPORT OF OBJECTION TO
MAGISTRATE JUDGE'S REPORT
& RECOMMENDATION ON
DEFENDANTS' MOTION TO
TRANSFER [ECF No. 40]**

26 On May 26, 2016, Defendants Continental Incorporated, Inc. d/b/a Continental Enterprises
27 ("Continental") and Leapers Inc. ("Leapers") (collectively, "Defendants") filed their Motion to
28 Transfer Venue. (ECF No. 25.) Plaintiffs Adrish Banerjee and Yan He opposed the Motion on June
29, 2016, *see* ECF No. 36, and Defendants replied on July 8, 2016, *see* ECF No. 39. On July 15,
30 2016, Magistrate Judge Ferenbach recommended that the Motion be denied. (ECF No. 40.)
31 Defendants objected to that recommendation on August 1, 2016, *see* ECF No. 41, and Plaintiffs
32 responded to the objection on August 18, 2016, *see* ECF No. 42.

33 Under L.R. I.B. 3-1(a), leave must be sought and obtained to file a reply in support of an
34 objection to a recommendation from a Magistrate Judge. The District of Nevada has one of the
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1 largest caseloads in the United States,¹ and Defendants recognize L.R. I.B. 3-1(a) disallows replies to
2 conserve the Court's limited time and resources. In this particular instance, however, a reply is
3 warranted to address Plaintiffs' inclusion of facts, case citations, and arguments which were asserted
4 for the first time in their Response to Defendants' Objection.

5 Specifically, the attached reply addresses the following new arguments and cases relied on by
6 Plaintiffs: (1) Plaintiffs' argument regarding the proper standard of review and misplaced reliance on
7 three non-persuasive cases allegedly supporting the same; (2) Plaintiffs' red-herring argument
8 regarding Defendants' alleged habit of forum shopping; and (3) Plaintiffs' unsupported statements
9 that are improperly relied on as evidence. No party will be prejudiced by the filing of the reply, and
10 allowing its filing will serve both the interests of justice and the Court's interests in a complete
11 discussion of these important legal issues.

12 WHEREFORE, Defendants respectfully request leave to file the reply attached as Exhibit A.

13 DATED August 29, 2016.

14 CARBAJAL & MCNUTT, LLP

15 */s/ Dan McNutt* _____
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20 The reply must be filed on or before
September 23, 2016.

21 IT IS SO ORDERED.

22 UNITED STATES MAGISTRATE JUDGE
23 DATED: 9-19-2016

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25 ¹ See, e.g., <http://trac.syr.edu/tracreports/judge/364/table2.html> (last accessed on Aug. 29, 2016)
(noting the District of Nevada has the tenth largest civil caseload in the United States).

1 CERTIFICATE OF MAILING

2 I HEREBY CERTIFY that pursuant to N.R.C.P. 5(b) on August 29, 2016, I caused service of
3 the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF**
4 **OBJECTION TO MAGISTRATE JUDGE'S REPORT & RECOMMENDATION ON**
5 **DEFENDANTS' MOTION TO TRANSFER [ECF No. 40]** by mailing a copy by United States
6 Postal Service, postage prepaid and/or via electronic mail through the United States District Court's
7 CM/ECF system to the following at their last known address and e-mail:

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12 */s/ Lisa A. Heller*
13 An Employee of Carbajal & McNutt LLP